

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Civil Action No.: 3:12 CV 00274-GCM**

**STEVEN GAUTHIER,**

**Plaintiff,**

**v.**

**THE SHAW GROUP, SHAW NUCLEAR  
SERVICES, INC. SHAW POWER, INC. and  
DOES 1-20,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on its own Motion. On June 28, 2012, Defendant The Shaw Group filed a Motion to Dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff, in lieu of opposing Defendant's Motion to Dismiss, elected to file a First Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(1)(B). Accordingly, Defendant's Motion to Dismiss is **DENIED AS MOOT WITH LEAVE TO RE-FILE.**

**IT IS SO ORDERED.**

Signed: August 6, 2012



Graham C. Mullen  
United States District Judge

